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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

1006274

PLAINTIFFS

Milton Fine Revocable Trust
Milton Fine 1997 Charitable Remainder Unitrust

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Cadwalader, Wickersham & Taft LLP
One World Financial Center, NY NY 10281 (212) 504-6000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY		
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881	[] 450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY		PROPERTY RIGHTS	[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY		[] 630 LIQUOR LAWS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 810 SELECTIVE SERVICE
[] 190 OTHER CONTRACT		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 690 OTHER	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY				
[] 196 FRANCHISE				
	ACTIONS UNDER STATUTES			
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE		
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		IMMIGRATION	[] 875 CUSTOMER CHALLENGE
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	20 USC 2255	12 USC 3410
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 462 NATURALIZATION APPLICATION	[] 880 OTHER STATUTORY ACTIONS
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 463 HABEAS CORPUS- ALIEN DETAINEE	[] 891 AGRICULTURAL ACTS
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES- OTHER	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION ACTIONS	[] 892 ECONOMIC STABILIZATION ACT
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION		[] 893 ENVIRONMENTAL MATTERS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ Denice L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

1 Original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 1	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 1	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 1	FOREIGN NATION	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 1	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 1

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants: Milton Fine Revocable Trust and Milton Fine 1997 Charitable Remainder Unitrust
Cadwalader, Wickersham & Taft LLP
c/o Martin Seidel, Esq.,
One World Financial Center
New York, NY 10281

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
Baker& Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 09/6/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT # *Martin L. Seidel / gen* NO
 YES (DATE ADMITTED Mo. 4 Yr. 91)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)